

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JONATHAN D. COOPER
Deputy Attorney General
4 State Bar No. 141461
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1404
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2012-619

11 **HYDEE CASAS CONSUL**
12 **1030 Clyde Ave., Apt. 3**
13 **Santa Clara, CA 95054**

FIRST AMENDED ACCUSATION

14 **Registered Nurse License No. 721442**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs.

21 2. On or about February 27, 2008, the Board of Registered Nursing issued Registered
22 Nurse License Number 721442 to Hydee Casas Consul (Respondent). The Registered Nurse
23 License was in full force and effect at all times relevant to the charges brought herein and will
24 expire on July 31, 2013, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
2 that the Board may discipline any licensee, including a licensee holding a temporary or an
3 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
4 Nursing Practice Act.

5 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
6 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
7 licensee or to render a decision imposing discipline on the license.

8 **STATUTORY AND REGULATORY PROVISIONS**

9 6. Section 2761 of the Code states, in pertinent part:

10 The board may take disciplinary action against a certified or licensed nurse or deny an
11 application for a certificate or license for any of the following:

12 (a) Unprofessional conduct, which includes, but is not limited to, the following:

13 (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing
14 functions.

15 ...

16 7. Section 2762 of the Code states, in pertinent part:

17 In addition to other acts constituting unprofessional conduct within the meaning of this
18 chapter it is unprofessional conduct for a person licensed under this chapter to do any of the
19 following:

20 (a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
21 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
22 administer to another, any controlled substance as defined in Division 10 (commencing with
23 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
24 defined in Section 4022.

25 ...

26 (e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
27 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
28 section.

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct)

3 14. Respondent is subject to disciplinary action under section 2761(a) of the Code in that
4 she acted unprofessionally, as set forth above in paragraphs 12-13.

5 **SECOND CAUSE FOR DISCIPLINE**

6 (Falsifying Medical Records)

7 15. Respondent is subject to disciplinary action under sections 2761(a) and 2762(e) of the
8 Code in that she committed acts of dishonesty related to the duties and functions of a licensee by
9 falsifying and making grossly incorrect entries in a hospital and patient record pertaining to
10 dangerous drugs and other items, as set forth above in paragraphs 12-13.

11 **THIRD CAUSE FOR DISCIPLINE**

12 (Gross Negligence)

13 16. Respondent is subject to disciplinary action under section 2761(a)(1) of the Code in
14 that she acted with gross negligence, as set forth above in paragraphs 12-13.

15 ///

16 ///

17 ///

18 ///

19 **PRAYER**

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
21 and that following the hearing, the Board of Registered Nursing issue a decision:

22 1. Revoking or suspending Registered Nurse License Number 721442, issued to Hydee
23 Casas Consul;

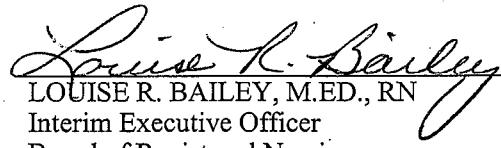
24 2. Ordering Hydee Casas Consul to pay the Board of Registered Nursing the reasonable
25 costs of the investigation and enforcement of this case, pursuant to Business and Professions
26 Code section 125.3;

27
28 ² Patient A's identity is withheld to protect patient privacy.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. Taking such other and further action as deemed necessary and proper.

DATED: May 30, 2012


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant